

GEORGE W. ROBERTS  
Attorney at Law  
240 South Plaza Building  
1433 Utica Avenue South  
Minneapolis, Minnesota 55416  
(952) 544-7676

September 3, 2004

Notice of Filing  
of  
Notice of Motion and Application for Compensation for Attorneys for Debtor

In re Bankruptcy of  
David N. Hoffman and  
Jean M. Hoffman

United States Bankruptcy Court  
District of Minnesota  
Bankruptcy Case No.: 01-44967- RJK

To: Creditors and Other Interested Parties:

The undersigned represents the Debtor in the above-referenced Bankruptcy case.

Enclosed and served upon you by mail please find Notice of Motion and Application for Compensation for Attorneys for Debtor, and Proposed Order.

The Application for Compensation will be heard by the U.S. Bankruptcy Court on October 6, 2004, at 10:00 A.M. in the U.S. Bankruptcy Court, Courtroom 8 West, U.S. Courthouse, 300 S. 4<sup>th</sup> Street, Minneapolis, MN 55415.

Any objection to the Application must be made in accordance with Local Rule 3015-3, be served by delivery not later October 1, 2004, or by mail no later than September 27, 2004, and be filed not later than one day after service.

Very truly yours,

/ e / George W. Roberts

George W. Roberts

GWR:st  
Bky:Hoffman2NotH

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

**In Re:**

**David N. Hoffman and  
Jean M. Hoffman**

**Debtors**

**CHAPTER 13 CASE**

**Case No. 01-44967 RJK**

**NOTICE OF HEARING AND APPLICATION FOR  
COMPENSATION BY ATTORNEY FOR DEBTOR**

**TO: Chapter 13 Trustee, U.S. Trustee, and other entities specified in Local Rule 9013-3(a).**

George W. Roberts, the undersigned applicant, as counsel for Debtor, pursuant to Local Rule 2016-1(d), moves the Court for the Relief requested below and gives notice of hearing.

1. The Court will hold a hearing on this motion at 10:00 A.M. on October 6, 2004, in Courtroom No. 8 West, at U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55401.

2. Any response to this motion must be filed and delivered no later than October 1, 2004, on all parties required to be served pursuant to Local Rule 9013-1, United States Bankruptcy Court, District of Minnesota, which is 3 days before the time set for the hearing (excluding Saturdays, Sundays, or holidays), or filed and served by mail no later than September 27, 2004, which is seven days before the time set for the hearing (excluding Saturdays, Sundays, or holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

3. This court has jurisdiction over this motion pursuant to 28 U.S.C. Sections 157 and 1334, Bankruptcy Rule 5005 and Local Rule 2016-1. This proceeding is a core proceeding. The petition commencing this Chapter 13 case was filed on November 16, 2001. This case is now pending in this Court. Debtor's Modified Chapter 13 Plan, dated March 26, 2004 was confirmed by this Court on May 25, 2004.

4. This motion arises under 11 U.S.C. Section 330 and Bankruptcy Rule 2016. This motion is filed under Bankruptcy Rule 2016 and Local Rule 2016-1. Applicant requests allowance of compensation for professional services rendered and for reimbursement of expenses incurred in connection with this case.

5. The plan of the Debtor has been confirmed by the court, and the Applicant as the attorney for the Debtor, has filed a statement under Bankruptcy Rule 2016(b), and has completed all necessary pre-confirmation and post-confirmation legal services to date in this case. Debtor has previously paid Applicant \$ 3,097.50 in fees, which fees were awarded to the Applicant by the Court's Order of July 17, 2002. The terms and conditions of employment between the Applicant and the Debtor, subject to Bankruptcy Court approval, are that Applicant will be paid on an hourly basis for matters beyond the ordinary and customary services rendered.

6. Applicant has rendered the following additional legal services subsequent to the prior award of attorney's fees:

- a. Client consultation and advice regarding Motion of Chapter 13 Trustee to Dismiss.
- b. Client consultation regarding need to modify Plan due to decreased income.
- c. Arranging continuance of Motion to Dismiss.
- d. Preparation of Amended Schedules B and C.
- e. Client consultation regarding new house purchase and trustee approval of additional debt.
- f. Preparation of Modified Chapter 13 Plan.
- g. Preparation of Notice of Motion, Notice of Hearing, Memorandum of Law, and other related documents necessary to modify Chapter 13 Plan.

The reasonable value of such additional services is \$1,201.25. The Debtor has agreed to pay the Applicant for such services and reimburse the Applicant for expenses. The Debtor has paid \$ 0.00 to the Applicant to date for such services or expenses. The Debtor owes the Applicant for the unpaid balance.

7. The Applicant has not shared or agreed to share with any other person, other than with members of the Applicant's law firm, any compensation paid or to be paid in this case.

8. Applicant knows of no allowed administrative expenses unpaid as of the date of this Application.

9. Attached hereto as Exhibit A is an itemization of the time incurred by the Applicant, together with a description of the task or proceeding.

10. Attached hereto as Exhibit B is a copy of the Retainer Agreement between Debtor and Applicant, dated November 1, 2001.

11. All attorney time expended on this matter was performed by the Applicant. Applicant's current normal hourly rate is \$165.00 per hour, which is a rate which represents the customary compensation charged by comparably skilled practitioners in cases other than cases under title 11 of the United States Code. (Applicant has, nevertheless, billed this Debtor at \$155.00 per hour, as provided in the retainer agreement.)

12. All services for which compensation is requested by Applicant were performed on behalf of the Debtor and not on behalf of any committee, creditor or other person. The services were necessary to the administration of the successful completion of this case. The services were performed within a reasonable amount of time commensurate with the complexity, importance and nature of the problem, issue or task addressed.

13. The amount requested herein constitutes reasonable compensation for actual and necessary services rendered by Applicant based on the nature, the extent and value of such services, the time spent on such services and the costs of comparable services other than in a case under Title 11 of the United States Code.

14. Applicant has not entered into any agreement express or implied with any other party in interest, including the Debtor or any creditor, receiver, trustee or representative of any of them, or with any attorneys for such party in interest in the proceedings, for the purpose of fixing fees or other compensation to be paid to such party in interest in the proceedings for services rendered or expenses incurred in connection therewith from the assets of the estate in excess of the compensation allowed by law.

WHEREFORE, Applicant requests an order from the Court:

- a. To award \$1,201.25 in attorneys fees, plus expenses in the amount of \$39.00.
- b. To order the Trustee to pay the unpaid fees and expenses in the amount of \$1,240.25 to the Applicant under 11 U.S.C. §330 and Local Rule 2016-1(d).

Dated: September 3, 2004

/s/ George W. Roberts

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George W. Roberts  
1433 Utica Avenue So., #240  
Minneapolis, MN 55416  
(952) 544-7676  
Attorney Reg. No. 92186  
Attorney for Debtor

B: Hoffman2NotM

# STATEMENT

GEORGE W. ROBERTS  
Attorney at Law  
240 South Plaza Building  
1433 Utica Avenue South  
Minneapolis, Minnesota 55416  
(952) 544-7676

August 27, 2004

David N. Hoffman  
Jean M. Hoffman  
11322 Deer Ridge Lane  
Minnetonka, MN 55343

Matter: Chapter 13 Bankruptcy

File No. 01-936

Prior Balance:

\$0.00

<u>Date</u>	<u>Professional Service Rendered</u>	<u>Hours</u>
2/17/04	Review motion of Trustee to dismiss	.25
2/19/04	TC Chapter 13 Trustee--arrange continuance of dismissal motion	.25
2/19/04	TC clients--re need to modify plan due to decreased income	.25
3/16/04	Tc clients--re amended plan	.25
3/24/04	Drafting Modified Chapter 13 Plan	1.50
3/25/04	Drafting Notice of Motion for Plan Amendment	.75
3/25/04	Drafting Memorandum of Law--Plan Amendment	.75
3/31/04	Conf. Jean Hoffman--re amended plan and schedules	.50
3/25/04	Drafting Amended Schedules I and J	.50
3/25/04	Drafting Verification of Schedules	.25
3/25/04	Drafting Proposed Order for Plan amendment	.25
3/25/04	Drafting Declaration of Mailing	.25
3/25/04	TC clients--re motion and schedules	.25
3/25/04	Drafting transmittal letter to creditors--plan amendment	.25
6/10/04	TC David Hoffman--re proposed house purchase and added debt	.25
6/10/04	TC Dawn Ch. 13 office--trustee's position on debt	.25
8/30/04	Preparation of attorney fee petition	1.00

Total Hours: 7.75

Total Professional Services @\$155.00 per hour:

\$1,201.25

Disbursements:

Postage	\$39.00
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Total Disbursements	\$39.00
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Current Charges	\$1,240.25
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Balance Due	\$1,240.25
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Terms: Balance due payable immediately upon receipt

B: Hoffman0830

**CHAPTER 13**  
**BANKRUPTCY RETAINER AGREEMENT**  
**INSTALLMENT FEE**

This agreement states our understanding regarding the legal services which GEORGE W. ROBERTS, Attorney at Law will provide for you, the client.

**BASIC FEE**

The basic fee for this representation will be \$850.00, plus \$185.00 in filing fees. \$150.00 in fees must be paid before the attorney begins drafting the Bankruptcy Petition. The filing fee is due at the time the Bankruptcy Petition is filed with the Bankruptcy Court. The remaining \$700.00 in fees will be paid to the attorney as a priority expense out of the regular monthly payments which you make to the Chapter 13 Trustee. If no Chapter 13 Plan is confirmed or if your case is dismissed, then the remaining balance of attorney's fees is payable upon dismissal of your case. The basic fee shall cover the following services:

- a. Preparation of Petitions and Schedules, Matrix, Exhibits, and other documents required to be filed at the time of commencement of the case.
- b. Consulting with and advising the client concerning his or her legal rights under both Chapter 13 (wage earner plan) and Chapter 7 proceedings.
- c. Appearing in Court with the client for the First Meeting of Creditors.

**MATTERS NOT COVERED BY THE BASIC FEE**

To the extent that additional legal services, beyond those described above, must be rendered, the attorney shall be entitled to be paid additional fees as follows:

- a. \$155.00 per hour for all attorney time spent on your case in the office during normal working hours, and all travel time;

**EXHIBIT B**

- b. \$165.00 per hour for all attorney court time, all out-of-office time (except travel) during normal working hours, and services performed at your request during evenings, weekends, and holidays;
- c. \$75.00 per hour for investigative or legal assistant time spent on your case during normal working hours;
- d. \$80.00 per hour for all investigative or legal assistant services performed at your request during evenings, weekends, and holidays;
- e. \$25.00 per hour for all secretarial or clerical services performed.
- f. All costs and expenses.

Time is charged in 15 minute increments and the hourly rates can be changed on '60 days' notice.

The services that shall result in entitlement to additional fees shall include, but are not limited to, the following:

- a. Disputes with the Trustee over exempted assets.
- b. Conversion, at the request of the client, to a Chapter 7.
- c. Representation of the client in a contested hearing.
- d. Representation of the client in show cause proceedings.
- e. Removal of judgments from real property.
- f. Obtaining and recording certificate of exempt property.
- g. Motion to avoid security interest.

In the event it is necessary to amend the petition, schedules or other documents because of any error or omission on your part, fees will be billed at the hourly rate stated above.



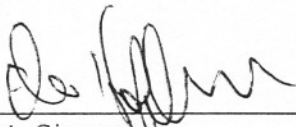
## CLIENT'S RESPONSIBILITIES

It is the responsibility of the client to provide full, accurate, and up to date information relative to all debts, assets, including but not limited to: creditors' addresses including zip codes, account numbers, values of assets, dates when goods and services were purchased, and the like. To the extent that the attorney or the attorney's staff must expend additional time ascertaining such information, the fee quoted above will be increased accordingly.

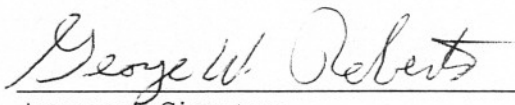
The client is responsible for paying all out-of-pocket costs that are incurred in the handling of this matter, such as appraiser's fees, stenographer's fees, income tax preparer's fees, et cetera.

The attorney agrees to diligently perform the above-mentioned service and will faithfully pursue the interests of the client, however, NO RESULTS ARE GUARANTEED. The client's failure to pay the fee as agreed above releases the attorney from the responsibility of performing the above services.

Client may discharge the attorney at any time by giving reasonable notice but if the entire fee has not been paid prior to discharge, client will be responsible for a partial fee based on the amount of work performed prior to discharge.



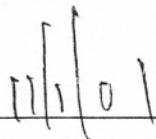
Client's Signature



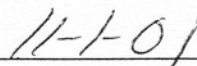
Attorney's Signature

Client's Signature

Dated:



Dated:



BANK:bank3.ret

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

**In Re:**

**David N. Hoffman and Jean M. Hoffman,  
  
Debtor(s).**

**CHAPTER 13 CASE**

**Case No. 01-44967 RJK**

**ORDER**

This matter came on for hearing before the Honorable Robert J. Kressel, in Room 8 in the United States Bankruptcy Court, Minneapolis, Minnesota, on October 6, 2004, on the motion of George W. Roberts (the Applicant) for allowance and payment of legal fees and reimbursement of costs. Appearances were as noted on the record.

Upon all the files, records and proceedings herein, and there being no objection filed with the Court,

**THE COURT FINDS:**

1. Applicant is entitled to \$1,201.25 as reasonable compensation for legal services, plus \$39.00 in expenses.

**IT IS HEREBY ORDERED:**

1. The Applicant is awarded \$1,201.25 as reasonable compensation for legal services plus an award of expenses in the amount of \$39.00.

2. The Chapter 13 Trustee is authorized and directed to pay the sum of \$1,240.25 to Applicant as funds become available pursuant to the Debtor's Chapter 13 Plan.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge Robert J. Kressel  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:

Case No. 01-44967-RJK

**UNSWORN DECLARATION  
FOR PROOF OF SERVICE**

DAVID N. HOFFMAN, AND  
JEAN M. HOFFMAN,

Debtors.

Chapter 13 Case

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I, George W. Roberts, declare under penalty of perjury that on September 3, 2004, I mailed copies of the following documents:

1. Notice of Hearing and Application for Compensation
2. Proposed Order

by first class mail, postage prepaid, to each entity set forth on the attached service list.

Dated: September 3, 2004

\_\_\_\_\_  
George W. Roberts

Bky:Hoffman6svc

DAVID N. HOFFMAN  
JEAN M. HOFFMAN

SERVICE LIST

Office of the U.S. Trustee  
1015 U.S. Courthouse  
300 South 4th Street  
Minneapolis, MN 55415

Jasmine Z. Keller  
Chapter 13 Trustee  
310 Plymouth Building  
12 South 6th Street  
Minneapolis, MN 55402

American Express  
PO Box 297885  
Ft. Lauderdale, FL 33329

American Express Platinum  
Suite 0001  
Chicago, IL 60679

Bank One  
PO Box 1245  
Milwaukee, WI 53210

Chase  
PO Box 15008  
Wilmington, DE 19850

Discover  
PO 15192  
Wilmington, DE 19886

First Bankcard Visa  
PO Box 3331  
Omaha, NE 68103

Fleet  
PO Box 15480  
Wilmington, DE 19850

Home Depot  
PO Box 105980  
Atlanta, GA 30353

Internal Revenue Service  
316 North Robert St., #320  
Mail Stop 5700  
St. Paul, MN 55101

MBNA America  
PO Box 15026  
Wilmington, DE 19886

Minnesota Department of Revenue  
Mail Station 5510  
St. Paul, MN 5555146

North Memorial Hospital  
PO Box 44430  
Eden Prairie, MN 55344

Richfield Bank and Trust  
6625 Lyndale Avenue South  
Richfield, MN 55423

The Associates  
PO Box 9369  
Des Moines, IA 50306

U.S. Bank National Assn.  
PO Box 6300  
Fargo, ND 58125

US Bank  
PO Box 64799  
St. Paul, MN 55164

Max Flow Corp., assignee of  
MBNA America Bank, N.A.  
PO Box 2434  
Carol Stream, IL 60132-2434

Max Recovery, Inc., Successor to  
First USA Bank  
PO Box 10228  
Newark, NJ 07193-0228

American Express Centurian Bank  
Am. Exp. Trav. Rel. Svcs. Co., Inc.  
Am. Exp. Trav. Rel. Svcs. Co., Inc. Corp. Cd  
c/o Beckett & Lee LLP  
PO Box 3001 Dept.  
Malvern, PA 19355-0701

David N. Hoffman  
Jean M. Hoffman  
11322 Deer Ridge Avenue  
Minnetonka, MN 55343